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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,188	10/10/2003	Mutsuo Fujii	740819-1038	2580
22204	7590	09/01/2005	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			BROWN, DREW J	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/684,188	Applicant(s) FUJII ET AL.	
	Examiner Drew J. Brown	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/18/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear to the examiner how many gaps there really are. Claim two specifies a plurality of gaps, but claims 1 and 3 specify only one gap. Gap 32, as understood by the examiner, is the gap specified in claims 2 and 5 formed between the extensions and the outer edge of the shooting aperture and between the extensions and both longitudinal ends of the hinge section. The fact that this gap is specified as a plurality of gaps according to claims 2 and 5 renders the claim indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Preisler et al.

(U.S. Pat. No. 6,467,801 B1). Preisler et al. discloses a vehicle airbag door comprising a door

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section 10 that is provided at a panel main body 14 and is opened by the activation of an airbag device. The airbag door further comprises a back-up member 28 that is provided on the bottom side of the panel main body. The back-up member comprises a back-up section having a shooting aperture 12 through which an airbag expands into a cabin, a plate section 42 located within the shooting aperture, and a hinge section (located between 24 and 42) through which the back-up section and the plate section are integrally formed along with the hinge section. A gap 32 is formed between an outer edge of the shooting aperture and each of the outer periphery of the plate section and both longitudinal ends of the hinge section, and the back-up section is welded (column 4, lines 65-67 according to Fig. 6) to the bottom face of the panel main body at a portion thereof located around and outwardly of the door section. The plate section is also welded to the bottom face of the door section. The hinge section comprises a first curved portion in which one end of the first curved portion (located near groove 20) is integrally connected to the back-up section 28, and a midsection of the first curved portion is curved so as to protrude toward the door section. A second curved portion (located at the lowest end of the hinge section) in which one end of the second curved portion is integrally connected to the other end of the first curved portion, the other end of the second curved portion is integrally connected to the plate section, and a midsection of the second curved portion is curved so as to protrude away from the door section. When the door section is opened, the first and second curved portions of the hinge section are each extended, and then the plate section is pivoted around its junction with the second curved portion. The shooting aperture has a rectangular shape, where the corners are each formed to have a curved surface, and the hinge section is provided to extend along one side 24 of the shooting aperture. The plate section main body 42 is integrally connected to the hinge

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section, and there are extensions (curved portion of peripheral 24 located at the lower right and left sides of Fig. 6) that are located outwardly of both longitudinal ends of the hinge section. They are integrally extended from the plate section main body to the vicinities of the corners of the shooting aperture, and they are welded to the bottom face of the door section. A gap is also formed between the extensions and the outer edge of the shooting aperture according to Figure 6, and also between the extensions and both the longitudinal ends of the hinge section (between the hinge section at the lower end of Fig. 6 and the curved portion of peripheral 24 located at the lower right and left sides). Preisler et al. also discloses ribs (triangular gussets between the hinge section and the wall 24) that are integrally formed with the hinge section at the bottom face of the curved part, which is opposite to the door section and in the vicinities of both longitudinal ends of the curved part. These ribs are formed continuously from the hinge section to the extensions of the plate section and are formed across the first and second curved portions.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bey et al. (U.S. Pat. No. 6,467,800 B1), Gallagher et al. (U.S. Pat. Nos. 5,564,731 and 6,460,880 B1), and Totani et al. (U.S. Pat. No. 5,779,262) disclose airbags containing an airbag lid that opens upon inflation of an airbag.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown
Examiner
Art Unit 3616

DJB



DAVID R. DUNN
PRIMARY EXAMINER
8/22/05